

ORDINANCE NO. 21-S-37

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AMENDING THE COMPREHENSIVE LAND USE PLAN BY CHANGING APPROXIMATELY 42 ACRES OF THE FUTURE LAND USE MAP FROM THE COMMERCIAL CAMPUS TO THE COMMERCIAL LIGHT INDUSTRIAL LAND USE DESIGNATION, AS WELL AS ADD TEXT FOR THE NEW LAND USE DESIGNATION, COMMERCIAL LIGHT INDUSTRIAL, IN THE SCHERTZ SECTOR PLAN, GENERALLY LOCATED APPROXIMATELY 2,500 FEET EAST OF THE INTERSECTION OF HUBERTUS ROAD AND INTERSTATE HIGHWAY 35, ALSO KNOWN AS COMAL COUNTY PROPERTY IDENTIFICATION NUMBERS 75290 AND 75369, CITY OF SCHERTZ, COMAL COUNTY, TEXAS.

WHEREAS, an application to amend the Comprehensive Land Use Plan by changing approximately 42 acres of the Future Land Use Map from Commercial Campus to Commercial Light Industrial land use designation, as well as add text for the new land use designation in the Schertz Sector Plan, also known as Comal County Property Identification Numbers 75290 and 75369, and more specifically described in the Exhibit A attached herein (herein, the “Property”) has been filed with the City; and

WHEREAS, a total of 9 public hearing notices were mailed out to the property owners within the two hundred (200) feet of the subject property on August 13, 2021 and a public hearing notice was published in the San Antonio Express on August 20, 2021; and

WHEREAS, the City’s Unified Development Code Section 21.4.6.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on an amendment to the Comprehensive Land Use Plan (the “Criteria”); and

WHEREAS, on August 25, 2021, the Planning and Zoning Commission conducted a public hearing and, after considering the Criteria, made a recommendation to City Council to approve the requested Comprehensive Land Use Plan Amendment and to add language for the new land use designation, Commercial Light Industrial; and

WHEREAS, on September 7, 2021, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested Comprehensive Land Use Plan Amendment and language for the new land use designation, be approved as provided for herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:
THAT:**

Section 1. The current Comprehensive Land Use Plan is hereby amended to change the Future Land Use Map of the property, as shown and more particularly described in the attached Exhibit A, from Commercial Campus land use designation to Commercial Light Industrial land use designation.

Section 2. The current Schertz Sector Plan is hereby amended to include new text for the new land use designation, Commercial Light Industrial.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Approved on first reading the 7th day of September, 2021.

PASSED, APPROVED AND ADOPTED on final reading the 14th day of September, 2021.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(SEAL OF THE CITY)